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SENATE BILL 1132

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

LEONARD TSOSIE

AN ACT

RELATING TO GAMING; AUTHORIZING NEGOTIATION AND EXECUTION OF  
TRIBAL-STATE GAMING COMPACTS; RATIFYING TRIBAL-STATE GAMING  
COMPACTS; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the  
"Gaming Compact Act".

Section 2. DEFINITIONS. -- As used in the Gaming Compact  
Act:

A. "compact" means a tribal-state gaming agreement,  
the terms of which conform to IGRA and are negotiated by a tribe  
and the state; "compact" includes any ancillary agreement  
related to that compact;

B. "gaming" means "class III gaming" as defined in  
IGRA;

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1 C. "IGRA" means the federal Indian Gaming Regulatory  
2 Act; and

3 D. "tribe" means an Indian nation, tribe or pueblo  
4 located in whole or in part within the state.

5 Section 3. COMPACTS--AUTHORIZATION TO NEGOTIATE AND  
6 EXECUTE. --

7 A. To initiate the process of negotiating a compact,  
8 a tribe shall give notice to the governor of New Mexico of its  
9 desire to enter into a compact regarding class III gaming  
10 pursuant to the provisions of IGRA.

11 B. The governor or his designee shall represent the  
12 state in negotiating compacts or amendments to compacts pursuant  
13 to provisions of IGRA upon receiving notice from a tribe  
14 pursuant to Subsection A of this section.

15 C. The governor may execute on behalf of the state  
16 compacts negotiated or amended pursuant to this section,  
17 provided that:

18 (1) the compact authorizes a tribe to conduct  
19 only those forms of gaming authorized in Section 4 of the Gaming  
20 Compact Act;

21 (2) the compact does not obligate the state to  
22 appropriate state funds;

23 (3) the governor provides a copy of the compact  
24 by mail to each member of the legislature postmarked at least  
25 fourteen calendar days before the compact is signed by the

1 governor; and

2 (4) the compact contains provisions requiring  
3 that:

4 (a) the minimum age for placing bets in  
5 any gaming establishment be twenty-one years of age;

6 (b) free liquor and food not be dispensed  
7 in the casino as incentives to game;

8 (c) cashing a federal social security or  
9 any government assistance check be prohibited and that the  
10 prohibition be strictly enforced;

11 (d) automated teller machines in close  
12 proximity to a casino be restricted from taking government  
13 assistance debit or similar government assistance cards;

14 (e) the average payout for winnings be  
15 equivalent to or greater than the average payout acceptable in  
16 Nevada casinos;

17 (f) each casino has an on-line, on-site  
18 computer monitoring system for slot machines;

19 (g) compulsive gambler identification and  
20 prevention programs be implemented by the casino;

21 (h) reasonable notice be provided to  
22 tribal regulatory agencies for access by state gaming oversight  
23 officials to casinos and casino business areas;

24 (i) the term of a compact be fifteen  
25 years with automatic renewals at five-year intervals, subject to

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1 renegotiation or modification;

2 (j) casino gaming operations be closed  
3 for four hours per day on Monday through Thursday, with the  
4 exception of holidays that fall on those weekdays; and

5 (k) an ancillary revenue sharing  
6 agreement be negotiated in conjunction with the compact that  
7 provides revenue to the state, in exchange for a limitation on  
8 expansion of non-Indian gaming.

9 D. If a compact fails to meet any one of the  
10 criteria set forth in Subsection C of this section, it shall be  
11 void unless ratified by both houses of the legislature by bill  
12 and signed by the governor.

13 E. When requested by a tribe, the governor may  
14 negotiate and execute on behalf of the state a compact with a  
15 tribe if the compact is identical to a compact previously  
16 approved by the governor pursuant to the provisions of this  
17 section or to a compact that has been ratified pursuant to the  
18 provisions of Section 5 of the Gaming Compact Act, except for  
19 the name of the compacting tribe, the names of the persons  
20 executing the compact on behalf of the tribe or on behalf of the  
21 state and the date of the compact.

22 Section 4. CLASS III GAMING--CLARIFICATION--SCOPE. --

23 A. The class III gaming activities listed in  
24 Subsection B of this section are permitted within the state, but  
25 only on Indian land:

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1 (1) under governmental control of a tribe that  
2 has a compact with the state of New Mexico that was entered into  
3 or ratified pursuant to the Gaming Compact Act; and

4 (2) the title to which is held in trust by the  
5 federal government or is subject to restriction by the federal  
6 government against alienation.

7 B. Class III gaming activities that are permitted  
8 pursuant to the conditions stated in Subsection A of this  
9 section are limited to:

10 (1) electronic video gaming machines;

11 (2) electronic, electromechanical or mechanical  
12 slot machines; and

13 (3) casino games, including:

14 (a) baccarat;

15 (b) beat the banker;

16 (c) black jack;

17 (d) chemin de fer;

18 (e) chuck-a-luck

19 (f) craps;

20 (g) dai shu;

21 (h) fan-tan;

22 (i) faro;

23 (j) keno;

24 (k) klondike;

25 (l) lotteries;

- 1 (m) monte;
- 2 (n) pai gow;
- 3 (o) panguini;
- 4 (p) pari-mutuel gaming and simulcasting;
- 5 (q) poker, in any form;
- 6 (r) progressive forms of games listed in  
7 this paragraph;

- 8 (s) red dog;
- 9 (t) roulette;
- 10 (u) seven and a-half;
- 11 (v) sic bo;
- 12 (w) twenty-one;
- 13 (x) wheels of fortune; and
- 14 (y) any table, dice or card game, whether  
15 banked, percentage or offered by the house on other terms.

16 Section 5. COMPACTS--RATIFICATION.--Compacts signed by the  
17 governor of New Mexico and the pueblos of Taos, San Juan, Santa  
18 Clara, Pojoaque, Tesuque, San Felipe, Santa Ana, Sandia, Isleta,  
19 Acoma, Nambe and San Ildefonso and the Mescalero and Jicarilla  
20 Apache tribes that were approved by the secretary of the  
21 interior and published in the federal register are hereby  
22 ratified by the legislature of New Mexico.

23 Section 6. EMERGENCY.--It is necessary for the public  
24 peace, health and safety that this act take effect immediately.